UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOWARD MARANTZ, NEMMARA CHITHAMBARAM and
SCOTT DING

Appeal 2009-001818
Application 09/629,117
Technology Center 2400

Decided:[1] June 26, 2009

Before JAMES D. THOMAS, JEAN R. HOMERE, and THU A. DANG,
Administrative Patent Judges.

THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date
shown on this page of the decision. The time period does not run from the
Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 11, 12, 23, 24, 35-37, 41, 45, and 49-52. Pending claims 1-10, 13-22, 25-34, 38-40, 42-44, and 46-48 stand withdrawn. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

As illustrated in Figure 5, a dispatcher, by means of a servlet, causes a work order with associated mapset information to be preconstructed in a database to permit subsequent retrieval by field technicians by means of a personal digital assistant (PDA).

REPRESENTATIVE CLAIM

Claim 11. A system for accessing geographic information comprising:
    (a) a thin client;
    (b) an application on the thin client, the application configured to:
        (i) request a map from a servlet;
        (ii) receive, in response to the request, a single mapset constructed on a per-user basis prior to the servlet receiving the request, wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset;
        (iii) format the map data in the single mapset;
        (iv) display the map data on a screen of the thin client.

PRIOR ART IN EXAMINER'S REJECTION

The Examiner relies on the following references as evidence of unpatentability:

Berstis	6,182,010 B1	Jan. 30, 2001 (filed Jan. 28, 1999)
DeLorme	6,321,158 B1	Nov. 20, 2001 (filed Aug. 31, 1998)

All claims on appeal, claims 11, 12, 23, 24, 35-37, 41, 45, and 49-52, stand rejected under 35 U.S.C. § 103(a). As evidence of obviousness, the Examiner relies upon Berstis in view of DeLorme.

CLAIM GROUPINGS

Based on the arguments presented at pages 8 through 10 of the principal Brief on appeal, Appellants argue independent claims 11, 23, and 35 collectively. In a corresponding manner, pages 10 and 11 of the principal Brief argue independent claims 41, 45, and 49 collectively. The only dependent claims argued (principal Brief page 11) on appeal are linked to common features recited in dependent claims 50-52. Therefore, we consider independent claim 11 as representative of the subject matter of claims 11, 23, and 35; independent claim 41 as representative of claims 41, 45, and 49; and claim 50 as representative of the subject matter common among dependent claims 50-52.

PRIOR PROCEEDINGS

This application was subject to a prior decision in appeal number 2006-2141, mailed on September 15, 2006, in which the previous panel of

this Board affirmed the rejection of all claims on appeal under 35 U.S.C. §
103 relying upon Berstis alone. We incorporate by reference the findings
with respect to this reference from this prior decision into this Opinion.
Subsequent amendments have clarified the limitations for corresponding
claims on appeal leading to the present appeal.

ISSUES

1. Have Appellants shown that the Examiner erred in concluding that
the combination of Berstis and DeLorme teach the feature in representative
independent claim 1 of constructing a mapset containing multiple maps on a
per-user basis?

2. Have Appellants shown that the Examiner erred in finding that the
combination of Berstis and DeLorme teach the distinguishing limitations of
representative independent claim 41 on appeal of a mapset being constructed
in parallel on multiple processing units?

3. Have Appellants shown that the Examiner erred in finding that the
combination of Berstis and DeLorme teach or suggest that the single mapset
of the claims on appeal are based on one or more work orders for a specific
user as set forth in representative dependent claim 50 on appeal?

FINDINGS OF FACT

1. Appellants' discussion of prior art at Specification page 4, line 9
through page 8, line 16 indicate that much of the subject matter illustrated in
disclosed Figure 1 was known in the art. This is recognized as well in the
discussion at Specification page 11 of prior art modified MAPGUIDE GIS
(geographic information systems) that were utilized as the basis for the

presently disclosed and claimed invention. These discussions as well as the

discussion at the middle of Specification page 12 and at the top of page 17

illustrate that thick client 104, webserver 110, MapGuide Server 120, map

window files 124, plural, parallel database management systems 114, spatial

data 126 and attribute data 128, at least, were known in the art. The claimed

thin client includes prior art PDAs as noted at Specification page 12, lines 16

through 17.

The claimed "mapset" is essentially defined at these locations in the

Specification as filed:

> Mapsets are an ordered collection of maps that reside on distributed
> databases on the internet. One or more embodiments of the invention
> provide for a parallel processing architecture on the server side to
> generate and assemble multiple maps into a single database.
> Spec. 9, ll. 3-6

> For example, server 106 may provide parallel processing of map data,
> the asynchronous creation of mapsets (a set of maps related to a single
> map file), generalized display data, simplified project files, de-
> cluttering services, and possibly server management of the user state.
> Spec. 15, ll. 14-16

With respect to the illustration of the use of the invention by

dispatchers and field technicians in Figure 5, the following is noted:

> The map data 408 may also be referred to as a mapset. A mapset
> consists of : an initial map that is displayed when a mapset is
> selected; a set of maps based on the same MWF as the initial map that
> can be zoomed to sequentially from the initial map; and all maps that
> appear as links on the initial and zoomed maps. Further, each of the
> maps in a mapset contain data (such as object name, geometry, and
> the value of the link if an object has one) for every selectable object
> on the given map. The multiple maps of a mapset are necessary to
> provide zooming from the original map and also linking to other maps
> from the original and from any of the 'zoomed' maps.

Spec. 19, l. 19 – 20, l. 4

The preconstructed mapset data and associated map data within the database 408 in Figures 4 and 5 are transmitted to the database 418 within the thin client (PDA) of the field technician when requested.

2. With respect to Berstis, we incorporate by reference the findings we made in our prior decision with respect to this reference. Berstis specifically utilizes "servlets" at column 4, line 45. Our prior Decision notes that plural servers are utilized within Berstis at column 4, lines 31 through 34 and they are illustrated to the right of Figure 2. The PDA initially disclosed in Figure 1 of Berstis is further shown in Figure 3 to include mass storage device 54. The image in pop up window 93 in Figure 5, associated with the map information of Figures 4 and 5, is derived by vehicles, including delivery vehicles, taxis, post office vehicles, etc., as discussed at column 2, lines 44 through 48 and column 6, lines 50 through 60.

We make general reference to the teachings beginning at column 4, line 57 through column 7 of Berstis as to its operation. The paragraph bridging columns 4 and 5 indicates that his PDA includes the ability to store in its memory downloaded and preconstructed data within exemplary memories including CD-ROMs, DVDs. It includes as well a high capacity hard disk memory, such as mass store 54, or flash memory card as taught at column 5, lines 17 through 24. This data includes the map information illustrated in Figure 5, the image data within pop-up window 93, and the additional information in the form of the direction of travel 80, and destination information 84. In these respects, the teachings at the top half of

column 6 are noted as well. The downloadability of image information is also noted at column 6, lines 38 through 41.

3. DeLorme's use of a PDA 102 is illustrated in Figures 1A, 1A1-1A3, and 1A5. Figure 1A illustrates a user (dispatcher) collecting data for a planned trip using a desktop computer 105 (thick client) for downloading the trip plan to the (field) user's PDA 102.

We reproduce here pertinent portions of the written description in DeLorme:

> The invention may include the capability to provide an interactive computer travel-planning guide for determining a route between a user selected travel origin and travel destination following user selected intermediate waypoints along the way. System software determines the preferred travel route within user selected constraints. The user can also select among a plurality of types of geographically locatable points of interest (POIs) within a user-defined region of interest along the travel route. A database enables the incorporation of travel information such as graphics, photos, videos, animations, audio and text information about the user selectable POIs along the way as well as about transportation routes and waypoints. From the user selected and user-defined transportation routes, waypoints, and POIs along the travel route, the software constructs a user customized multimedia travelog for preview on a computer display of the user-defined travel route. Based on the user-customized previews, the travel route including transportation routes, waypoints, and points of interest can be updated or changed according to the user preferences and choices.
> Col 1, ll. 27 – 47

> It is another object of the present invention to create data-cutting alternatives such that certain user selections of geographic area, start, finish, POIs, levels of detail or map magnitudes may be effectively downloaded to the PDA/GPS that produce compact map and/or route information "packages" comprising black-white bitmaps, text

directions lists, point information organized in differential magnitude configurations which e.g. provide more detail and particular kinds of information around waypoints, less detail and perhaps more major road driving information along the routes between waypoints.
Col. 4, ll. 34-44

The IRMIS software permits user selection of a particular map, area, or a point of interest. The IRMIS software further enables routing and the extraction or cutting of a route as well as area maps for downloading to the PDA. The IRMIS route map that is developed is essentially a larger scale map encompassing a start and a finish of the route. Included is at least one map of more detailed, greater resolution and/or higher magnitude maps of the start, the finish, and, possibly, other waypoints or POIs. That is, the present invention permits the user to select an area or route on the desktop computer-displayed maps and create PDA maps that are cut in accordance with that selection. This is an advantage over the prior art which was limited to pre-cut, one-size-fits-all maps for specific regions, areas or cities.
Col. 6, ll. 50-63

Fig. 2 is a block diagram illustrating an interactive system 200 which combines computer software processes for routing and travel directions with presentations of multimedia information related to locations. IRMIS works with one or more geographic information systems (GIS) 201 for storage, retrieval, manipulation, mapping, correlation and computation of spatial data related to geographic coordinates corresponding to locations on, above or beneath the surface of the earth within the realm of human activity. The David M. DeLorme U.S. Pat. Nos. 4,972,319 and 5,030,117, exemplify such geographic information systems for generating the map displays and output, as well as management of the geographic databases. Other GIS, or other database systems that relate data with geographic coordinates, e.g., latitude and longitude, also suffice for use with the present invention.
Col. 29, ll. 10-25

FIG. 2A shows the steps of user selection, automated data extraction, cutting, compression, coordination, and elimination of duplication which proceed transfer of dataset(s) of map, route, and/or point information from IRMIS home-base desktop to portable PDA for use in the field.
Col. 41, ll. 52-56

In FIG. 2A, the desktop geographic information system for routing and multimedia operations preferably[sic] comprises a large-scale (e.g. national) map and point information database. The user considers and selects points of interest, computes optimal route and travel plans often repeated iterations and editing, and at the user's option chooses and attaches multimedia or POI information–at 285. The user can then opt to transfer one or more map, route and/or point information "packages" or datasets into the companion portable PDA at 290.
Col. 42, ll. 10-19

ANALYSIS

At the outset, we note that Appellants have not challenged the combinability of Berstis with DeLorme within 35 U.S.C. § 103 in the principal Brief on appeal. Therefore, no governing case law is cited in this Opinion to that effect. The remaining determination to be made is whether the combined teachings and/or suggestions among Berstis and DeLorme would have rendered obvious to one of ordinary skill in the art the subject matter that is claimed and argued before us.

With respect to the initial issue of whether DeLorme and Berstis teach a single mapset containing multiple maps, this issue was initially dealt with in our prior decision with respect to Berstis alone in our discussion of this reference at least beginning at page 6. In this prior decision as well as our newly noted portions of Berstis in Finding of Fact 2, we maintain our view that the image information in the Figure 5 showing of Berstis, in addition to

the actual map information itself, constitute a signal mapset comprising a plurality of maps to the extent argued and set forth in representative independent claim 11 on appeal. Because the teachings of Berstis alone indicate to the reader and the user that such information may be preconstructed before actual use on a given trip, the later retrieval by the same or different persons when the actual trip is undertaken indicates that the preconstruction and the use is on a per-user basis to the extent argued and claimed. Broadly defined "map data" that is recited in representative independent claim 11 has been dealt with in our prior decision; we note as well the claimed additional map information comprises the direction of travel arrow 80 and the destination cross 84 in Figures 4 and 5 of Berstis (noted in Finding of Fact 2).

The user's preconstruction of "a travelog" at column 1 and the otherwise-stated "package" at columns 4 and 42 of DeLorme (Finding of Fact 3) constitute as well the claimed "a mapset" as essentially argued by the Examiner.

The Reply Brief improperly incorporates and repeats the material already argued in the principal Brief. Therefore, as to the initial issue in this Appeal, we consider only the arguments presented at pages 10 and 11 of the Reply Brief as to representative independent claim 11. According to our invention statement earlier in this Opinion and our discussion of the disclosure of Appellants in the Finding of Fact 1, our discussion of disclosed Figure 5 and our brief reference to Figure 4 indicate that the dispatcher of Figure 5 issues the servlet to create or request a given map that comprises a plurality of maps in the claims. Separate from that and apparently later in time, the field technician receives a work order and the single mapset that

was preconstructed according to the work order issued by the dispatcher. To the extent pages 10 and 11 of the Reply Brief argue otherwise, Appellants' position misconstrues the claims as well as their own disclosed invention.

We strongly disagree with Appellants' view that Berstis and, essentially, DeLorme require the construction of the mapset after receiving the request from the user. In effect, the same criticism may be applied to their own disclosed and claimed invention. Not only does the user in Berstis, but also clearly the DeLorme teachings we noted in Finding of Fact 3, permit/require the preconstruction of a mapset, and therefore an initial request therefor, by a user of some kind before its actual use during a trip. This is consistent with the manner in which Appellants' disclosed invention in Figure 5 is utilized, as we noted earlier in this Opinion in our invention statement and in Finding of Fact 1. Appellants' state at the bottom of page 11 of the Reply Brief that as applied to DeLorme, "the user specifies and saves a route for later processing. However, the actual map is not created on a per-user basis for DeLorme's user before the user requests the map." Our reproduction of the teachings of DeLorme in Finding of Fact 3 make it clear that the user in DeLorme not only specifies and saves a route for later use, but also the actual map has been pre-created on a per-user basis before the user requests the use of the map at the beginning of actual travel. DeLorme's teachings are considered more specific than those of Berstis in this respect, yet all are consistent with a dispatcher initially creating a mapset and later in time a field technician utilizing the created mapset by downloading it onto his PDA.

As to the second issue in this Appeal, the argued feature distinguishing representative independent claim 41 from the subject matter

of representative independent claim 11 is the construction in parallel on multiple processing units of a mapset recited in these claims. We discussed this with respect to the then pending independent claim 41 at pages 8 and 9 of our prior decision as to Berstis alone. Appellants' showing in Figure 1 of the instant Application indicates that plural, parallel prior art DBMS systems 114 were known in the art. DeLorme takes advantage of the state of the art with respect to the plural, independent databases taught briefly at least at the column 29 teachings we noted in Finding of Fact 3. The Examiner appeared to continue to use the design choice line of reasoning which we found disfavored in the paragraph bridging pages 8 and 9 of our prior decision.

As to issue 3, we are not persuaded by Appellants' arguments at pages 13 and 14 of the Reply Brief and page 11 of the principal Brief as to the patentability of representative dependent claim 50. This claim merely recites that the two or more maps included in the single mapset are "based on one or more work orders for a specific user." Finding of Fact 3 establishes that DeLorme teaches at column 1 that a kind of "work order" for a given mapset or a complete map package for a planned trip is created by a user for later downloading to the PDA such as is illustrated in Figure 2A (also discussed in Finding of Fact 3). As noted by the Examiner, for example at the top of page 7 of the Answer, the use for business or personal reasons is consistent with the teachings of both Berstis and DeLorme. No patentability is seen in the mere recitation of a "work order" since this characterization in the claim is merely derived from a use of otherwise structurally recited elements. Such uses clearly fall within the ambit of the teachings of Berstis and DeLorme. The types of vehicles we noted in Finding of Fact 2 in Berstis dovetail with the field use of the PDA taught at

the column 41 teaching in Finding of Fact 3 with respect to the Figure 2A
showing in DeLorme. The combination of teachings suggests the use in the
field by a field technician to the extent illustrated in disclosed Figure 5.

CONCLUSIONS OF LAW

1. Appellants have not shown that the Examiner erred in concluding
that the combination of Berstis and DeLorme teaches the argued features
with respect to representative independent claim 11 on appeal.

2. Appellants have also not shown that the Examiner erred in
concluding that the combination of Berstis and DeLorme teaches the
construction in parallel from plural processing units a mapset as argued in
representative independent claim 41 on appeal.

3. Lastly, Appellants have also not shown that the Examiner erred in
concluding that the combination of Berstis and DeLorme teach a single
mapset based upon at least one work order for a specific user in
representative dependent claim 50 on appeal.

DECISION

The Examiner's rejection of all claims on appeal, claims 11, 12, 23, 24, 35-37, 41, 45, and 49-52, within 35 U.S.C. § 103 is affirmed. All claims on appeal are unpatentable.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

nhl

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